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ZINUS, INC.

17 || ZINUS, INC. a California Corporation,

Case No. 07-CV-03012-PVT

18 Plaintiff,

19 || v.

20 SIMMONS BEDDING COMPANY, a
21 Delaware corporation, and DREAMWELL,
LTD., a limited liability company of
Nevada,

**STIPULATION AND PROPOSED ORDER
CONTINUING DEADLINE TO FILE JOINT
CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Defendants.

24 AND RELATED COUNTERCLAIMS

WHEREAS on December 12, 2007, the Court issued a Case Management Conference Order in which it set a deadline of April 11, 2008 for plaintiff and counterclaim defendant Zinus, Inc. (“Zinus”), defendant and counterclaimant Dreamwell, Ltd. (“Dreamwell”) and defendant

1 Simmons Bedding Company ("Simmons") to file their Joint Claim Construction and Prehearing
 2 Statement; and

3 WHEREAS the parties have been discussing a potential settlement of this action, and
 4 appear to be within a day or two of finalizing an agreement; and

5 WHEREAS the parties would like to be able to focus their attention on finalizing the
 6 settlement, which would avoid the need for them to file their Joint Claim Construction and
 7 Prehearing Statement;

8 THEREFORE, pursuant to Local Rule 6, it is hereby stipulated between Zinus and
 9 Defendants, by and through their respective counsel and subject to the Court's approval, that the
 10 deadline for filing the Joint Claim Construction and Prehearing Statement may be continued by
 11 one week, from April 11, 2008 to April 18, 2008. All other dates in the case would remain
 12 unchanged.

13
 14 Dated: April 10, 2008

15 **PERKINS COIE LLP**

16 By _____ /s/
 17 Kenneth B. Wilson

18 Attorneys for Defendant
 19 SIMMONS BEDDING COMPANY
 20 and Defendant and Counterclaimant DREAMWELL,
 LTD.

21 Dated: April 10, 2008

22 **IMPERIUM PATENT WORKS**

23 By _____ /s/
 24 Darien K. Wallace

25 Attorneys for Plaintiff and Counterdefendant
 26 ZINUS, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Darien K. Wallace, hereby attest that concurrence in the filing of this document has been obtained from the other signatory.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 10, 2008 in Pleasanton, California.

/s/
Darien K. Wallace

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: April __, 2008

The Honorable Patricia V. Trumbull
United States Magistrate Judge